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Docket Number (Optional)

C685:56023

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on **September 19, 2006**

Signature

Typed or printed name **Renne M. F. Wyzykowski**

Application Number

09/910,510

Filed

July 19, 2001

First Named Inventor

Michael L. Obradovich, et al.

Art Unit

2141

Examiner

Djenane M. Bayard

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒

attorney or agent of record.

41,661

Registration number

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

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September 19, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.☒*Total of **one** forms are submitted.

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Renne M.F. Wyzykowski
Renne M.F. Wyzykowski

Applicant : Michael L. Obradovich, et al. Confirmation No. 9704
Application No. : 09/910,510
Filed : July 19, 2001
Title : TECHNIQUE FOR EFFECTIVE ORGANIZATION AND
COMMUNICATION OF INFORMATION
Grp./Div. : 2141
Examiner : Djenane M. Bayard
Customer No. : 56317
Docket No. : 56023/C685

ARGUMENTS ACCOMPANYING PRE-APPEAL BRIEF
REQUEST FOR REVIEW

Mail Stop AF

Commissioner for Patents
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September 19, 2006

Commissioner:

Applicants are filing this paper concurrently with a Pre-Appeal Brief Request for Review (form PTO/SB/33) and a Notice of Appeal. For the reasons set forth below, applicants respectfully submit that the Examiner has not established a clear *prima facie* case in rejecting claims 1-5 and 26-45 over Arlein in view of Sonti under 35 U.S.C. 103(a).

The claimed invention is directed to a technique for communication of information to a mobile device. In accordance with the invention, profiles of a mobile device user are established, reflecting different personae of the user, e.g., a personal profile, business profile, vacation profile, etc. A user may utilize the device to send a request for information, which may include data indicative of a selected persona of the user and a location of the device determined by the device (e.g., GPS data). Based on the received data, a server collects the requested information from different source, e.g., Internet sources. The requested information is then provided to the device, which includes information concerning at least one resource (e.g., a

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restaurant) in accordance with the profile associated with the selected persona. The resource is selected as a function of at least the location of the device. *See* page 9, line 21 *et seq.*; page 14, line 11 *et seq.* of the specification; and Figs. 4, 5 and 10.

Thus, for example, claim 1 recites a method for use in a server serving a user of a communication device, which comprises “receiving, through a communications network, a request for information concerning one or more resources, and data indicative of a selected one of the personae and a location of the communication device determined by the communication device; collecting requested information from one or more resources based on the data; and providing the requested information to the communication device, the requested information including information concerning at least one resource in accordance with a profile associated with the selected persona, the at least one resource being selected as a function of at least the location of the communication device.” Claim 33 includes similar limitations.

Arlein discloses a technique for providing a user web-browsing experience at merchant’s website based on a persona selected by a user. In the final Office Action, the Examiner admitted that Arlein “fails to teach receiving data indicative of a selected one form [sic] the personae and a location of the communication device determined by the communication device and the requested information including information concerning at least one resource in accordance with a profile associated with the selected persona, the at least one resource being selected as a function of at least the location of the communication device.” Final Office Action at Page 3.

However, the Examiner asserted that Sonti teaches the above-quoted claim limitations. Such assertion is baseless notwithstanding the citations by the Examiner to col. 4, lines 41-65; col. 5, lines 40-45 and col. 8, lines 45-67 of Sonti. *Id.* Sonti discloses a technique allowing a user of a mobile phone to store multiple profiles in a remote home location register (HLR). Each profile contains a list of features desired by the subscriber, e.g., call waiting, long distance call blocking, etc. However, nowhere does Sonti teach or suggest that a server serving a user of a communication device receive, through a communication network, a request for information concerning one or more resources and “data indicative of [, among others,] a location of the communication device determined by the communication device,” as claims 1 and 33 recite. *A fortiori*, nowhere does Sonti teach or suggest collecting information from one or more sources

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“based on the data” indicative of, among others, the location of the communication device determined by the communication device, as claims 1 and 33 further recite. In addition, Sonti fails to teach or suggest providing to the communication device the requested information including information concerning at least one resource, which is “selected as a function of at least the location of the communication device,” as claims 1 and 33 also recite. By contrast, Sonti discloses the following at col. 8, line 25 *et seq.*:

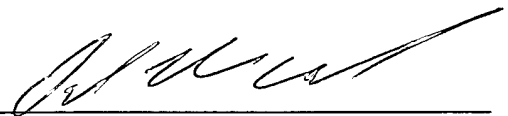
If a [mobile phone] subscriber ... wishes to select a new profile,
a simple procedure would be to dial a profile service number (PSN)
followed by a personal identification number (PIN) and a new profile
number Suitable candidates for the PSN include so-called “star”
numbers such as “*611” or “1*432.”

Thus, even assuming, *arguendo*, that a feature list in a profile in Sonti should read on the claim term “resource”, such a feature list is selected through use of the PSN, PIN and profile number, none of which, however, is “a function of the location of the communication device,” as claims 1 and 33 require. As such, claims 1 and 33, together with their dependent claims, are patentable over Arlein in view of Sonti.

Respectfully submitted,

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DMC/rmw

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